

RESOLUTION NO. 84-063

A RESOLUTION AUTHORIZING A ONE (1) YEAR
EXTENSION BY SUPPLEMENTAL AGREEMENT NO. 4
TO LEASE NO. DA-29-005-ENG-3336 - WHITE
SANDS MISSILE RANGE (PARKING OF VEHICLES)
LAS CRUCES, NEW MEXICO.

The City Commission is informed that:

On May 14, 1962, Lease No. DA-29-005-ENG-3336 was entered into between the Lessor, otherwise known as the City of Las Cruces, New Mexico, and the Government, whereby the Lessor leased to the Government a certain parcel of land, lying and being situated in Section 17, Township 23 South, Range 2 East, N.M.P.M., County of Dona Ana, State of New Mexico, being more particularly described as follows:

Beginning at the NE corner of the aforementioned N-1/2 of Tract 3008, marked with a 2" iron pipe from which an old concrete monument marking the SE corner of a 20 acre tract described in a deed from Oscar Lohman to Bishop Henry Granjon, dated May 6, 1910, and recorded in deed book number 27, page 410, deed records of Dona Ana County, New Mexico, and as described in a deed from Nora C. Bennet, et al, to the town of Las Cruces, dated November 23, 1931, and recorded in book number 81, pg. 486, deed records of Dona Ana County, NMex, bears $N0^{\circ}54'30"W$, a distance of 85.85'; thence $S25^{\circ}07'30"E$, 521.74' to a point marked with a 2" iron pipe, said point being the point of beginning of the property herein described; thence continuing South $25^{\circ}07'30"E$, a distance of 221' to the SE corner of this tract; thence $S51^{\circ}51'30"W$, a distance of 503' to the SW corner of this tract; thence $N48^{\circ}16'E$, a distance of 225' to a 2" iron pipe; thence $S41^{\circ}44'E$, a distance of 500' to a 2" iron pipe, thence $N48^{\circ}16'E$, a distance of 366.66' to the NE corner of this tract and the point of beginning, containing 5 acres more or less.

The prior lease agreement expired June 30, 1972, and on May 1, 1972, the Las Cruces City Commission authorized a second ten (10) year agreement by the passage of Resolution No. 72-180. That ten (10) year extension was to have expired June 30, 1982; however, on June 24, 1982, the Las Cruces City Commission authorized a ninety (90) day extension to Supplemental Agreement No. 2. That extension expired September 30, 1982. Supplemental Agreement No. 3 was granted on September 20, 1982, and authorized a one (1) year extension.

This extension will expire September 30, 1983.

THEREFORE, the City Commission of the City of Las Cruces, New Mexico, determines, resolves and orders as follows:

I.

THAT Supplemental Agreement No. 4 to Lease No. DA-29-005-ENG-3336 is hereby approved.

II.

THAT city staff and officials are hereby authorized and directed to execute appropriate documentation, and to do all acts and deeds necessary in the accomplishment of the hereinabove.

DONE AND APPROVED this 19th day of September, 1983.


Mayor

ATTEST:


City Clerk

(SEAL)

Moved by: Hudson

VOTE:

Seconded by: Jenkins

Commissioner Jenkins:	<u>Aye</u>
Commissioner Steinborn:	<u>Aye</u>
Commissioner Jones:	<u>Aye</u>
Commissioner Rios:	<u>Aye</u>
Commissioner Hudson:	<u>Aye</u>

APPROVED AS TO FORM:


City Attorney

DESCRIPTION OF A 1.69 ACRE TRACT IN
YOUNG PARK, CITY OF LAS CRUCES, N.M.

A tract of land situate in the City of Las Cruces, Dona Ana County, New Mexico and in the Dona Ana Bend Colony Grant, being part of the north half of County Plat No. 3008 as described in Warranty Deed No. 101871 from Nora C. Bennett et al to the Town of Las Cruces, filed for record on November 18, 1931, in Book 81, Page 486 of the Deed Records of the County Clerk of Dona Ana County, New Mexico, and more particularly described as follows, to-wit:

Beginning at the northeast corner of the tract herein described, from whence the southeast corner of a 5.065 acre lease to the New Mexico National Guard from the City of Las Cruces, New Mexico bears N 25° 07' 30" W 221.00 ft.; thence S 25° 07' 30" E 69.38 ft.; along the west R/W line of Bellamah Loop to an angle point marked by an iron rod in place; thence around a curve to the left having a delta angle of 9° 34' 50", a radius = 1196.0 ft., an arc length = 199.99 ft. whose chord bears S 29° 54' 55" E 199.75 ft. to the southeast corner of this tract marked by an iron rod; thence S 51° 51' 30" W 243.18 ft. along the North R/W line of Nevada Avenue to the southwest corner of this tract; thence N 41° 44' W 266.43 ft. to the northwest corner of this tract being on the south line of the W.S.M.R. Bus Parking Lease; thence N 51° 51' 30" E 304.56 ft. along the south line of the W.S.M.R. Bus Parking Lease to the northeast corner and point and place of beginning, containing 1.69 acres of land more or less.

EXHIBIT "A"

DESCRIPTION OF A 1.46 ACRE TRACT IN
YOUNG PARK, CITY OF LAS CRUCES, NEW MEXICO

A tract of land situate in the City of Las Cruces, Dona Ana County, New Mexico, and in the Dona Ana Bend Colony, being part of the north half of the County Plat No. 3008 as described in Warranty Deed No. 101871 from Nora C. Bennett, et al, to the Town of Las Cruces, filed for record on November 18, 1931, in Book 81, Page 486 of the Deed Records of the County Clerk of Dona Ana County, New Mexico, and more particularly described as follows:

Beginning at the northeast corner of the tract herein described being identical with the SE corner of a 5.056 acre lease from the City of Las Cruces, New Mexico, to the New Mexico National Guard;

Thence, S. 25°07'30"E. 221.00 feet to the southeast corner of this tract;

Thence, S. 51°51'30"W. 304.56 feet along the south line of said parking area to the southwest corner;

Thence, N. 41°44'W. 194.12 feet to the northwest corner of this tract;

Thence, N. 48°16'E. 366.66 feet along the south line of the National Guard lease to the northeast corner of this tract being the point and place of beginning and containing 1.46 acres of land more or less.

EXHIBIT "B"

C-83-093
099-2811

Supplemental Agreement No. 4 to
Lease No. DA-29-005-ENG-3336
White Sands Missile Range
Government Vehicle Parking
City of Las Cruces, New Mexico

SUPPLEMENTAL AGREEMENT

This SUPPLEMENTAL AGREEMENT, entered into this _____ day of September, 1983, by and between the CITY OF LAS CRUCES, NEW MEXICO, A MUNICIPAL CORPORATION, whose address is c/o City Clerk, City Hall, Las Cruces, New Mexico 88004, hereinafter called the Lessor, and the UNITED STATES OF AMERICA, hereinafter called the Government.

WITNESSETH:

WHEREAS, on 14 May 1962, Lease No. DA-29-005-ENG-3336 was entered into between the Lessor and the Government, whereby the Lessor leased to the Government a tract of land within the North $\frac{1}{2}$ of Tract 3008, as designated on the plats of the Tax Assessor of the County of Dona Ana, containing five acres, more or less, and more particularly described in the original agreement, for storage and overnight parking of military vehicles and other Government purposes; and

WHEREAS, on 6 February 1968, the parties entered into Supplemental Agreement No. 1 whereby a portion of the original tract was deleted from the original lease and a different tract was substituted therefor in the original lease, as more particularly set out in said Supplemental Agreement No. 1 and as attached hereto and made a part hereof, and

WHEREAS, on 9 May 1972 the parties entered into Supplemental Agreement No. 2 whereby the original lease was extended to 30 June 1982, and

WHEREAS, on June 24, 1982, the Las Cruces City Commission authorized a ninety (90) day extension to Supplemental Agreement No. 2 as evidenced by a letter of that date directed to Frederick J. Scott of the Department of Army Corps of Engineers by the Mayor of the City of Las Cruces; and

WHEREAS, on September 20, 1982, the Las Cruces City Commission authorized a one (1) year extension known as Supplemental Agreement; and

WHEREAS, said extension expires on September 30, 1983, by its terms; and

WHEREAS, the parties hereto desire to extend the original lease, as amended, for a one (1) year term.

NOW, THEREFORE, in consideration of the premises, the parties hereto hereby agree as follows:

1. That the lands the City leases to the Government under Paragraph 2 of the lease to which this agreement is a supplement, are those tracts of land described in Exhibit "A" and "B" attached hereto and made a part hereof by reference.

2. That paragraph 3 of the lease to which this agreement is a supplement shall be revised to read: "TO HAVE AND TO HOLD, the said premises for the term beginning October 1, 1983, and ending September 30, 1984."

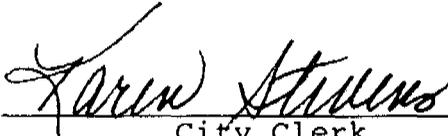
3. That paragraph 4 shall be revised to read, "The Government shall pay the Lessor rent at the following rate: One and no/100 Dollar (\$1.00). Payment shall be made at the end of each fiscal year by the Finance and Accounting Officer, White Sands Missile Range, New Mexico, 88002."

4. That except as herein modified, the original lease shall remain in effect.

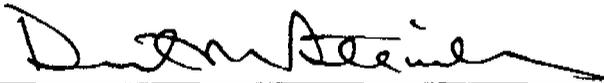
IN WITNESS WHEREOF, the parties have executed this Supplemental Agreement as of the date first above written.

WITNESS:

CITY OF LAS CRUCES, A MUNICIPAL CORPORATION



City Clerk



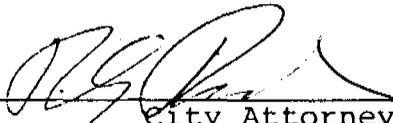
Mayor

(SEAL)

THE UNITED STATES OF AMERICA

DATED: _____

APPROVED AS TO FORM:



City Attorney